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April 27, 2016

*Via U.S. Mail and Email*

Email: r10.foia@epa.gov

Regional Freedom of Information Officer

U.S. EPA, Region 10

Office of External Affairs

1200 6th Avenue (CEC-142)

Seattle, WA 98101

RE: FOIA Request

To the Regional Freedom of Information Officer for EPA Region 10:

This letter constitutes a Freedom of Information Act (FOIA) on behalf of Save Family Farming, a non-profit corporation representing farmers and the agricultural industry in Washington. As set forth in more detail below, Save Family Farming requests that EPA waive and fees or costs associated with responding to this request.

The purpose of this request is provide public access and transparency to EPA funded efforts to promote legislative or initiative actions regulating agricultural practices in the state of Washington. Save Family Farming intends to share information obtained in response to this request on its web site [savefamilyfarming.org](http://savefamilyfarming.org), with opinion leaders and elected officials and with the media including newspapers and online news sites. Save Family Farming's specific plan to provide public access to your response to this FOIA request is to (1) provide immediate access and links to the relevant documents on its website, (2) to provide alerts to its members and the agricultural community of the availability of the documents, (3) to provide an analysis of the documents, (4) to provide links and information about any media coverage of the documents, and (5) to provide elected officials access to and information about the documents. The specific approach of Save Family Farming to provide access and information about public records is illustrated on its website. I request that you immediately contact me before processing this request for documents and request for waiver of FOIA fees if EPA needs any additional information about the specific intent and plan to provide broad public access to the requested records.

This request includes the specific following documents:

1. All EPA Puget Sound Financial and Ecosystem Accounting System (FEATS) reports for Federal Grant Number PA-00J322-01 (hereafter "Grant") from the issuance of the grant to the date of your response to this request that relate in any way to non-point pollution public information and education initiative including without limitation research and outreach that relates in any way to the website [whatsupstream.com](http://whatsupstream.com).
2. Any and all documents that relate in any way to the expenditure, payment or reimbursement of funds by EPA under the terms of the Grant for non-point pollution public information and education initiative including without limitation research and outreach that relates in any way to the website [whatsupstream.com](http://whatsupstream.com).
3. Any and all documents that relate to or describe the application for the Grant for the purpose of non-point pollution public information and education initiative including without limitation research and outreach that relates in any way to the website [whatsupstream.com](http://whatsupstream.com).
4. Any and all documents that relate to or identify contractors, vendors or consultants who were paid for goods or services provides under the terms of the Grant for non-point pollution public information and education initiative including without limitation research and outreach that relates in any way to the website [whatsupstream.com](http://whatsupstream.com).
5. To the extent not provided in response to Item No. 4, any and all documents that reflect payments to the following individuals, entities or organizations for goods or services under the terms the Grant for non-point pollution public information and education initiative including without limitation research and outreach that relates in any way to the website [whatsupstream.com](http://whatsupstream.com):
  - a. Strategies 360
  - b. Western Environmental Law Center
  - c. Friends of Toppenish Creek
  - d. The Center for Environmental Law and Policy
  - e. Marty Loesch
  - f. Paul Queary
  - g. Andrea Rogers Harris
  - h. Charlie Tebbutt
  - i. Jean Mendoza
6. Any and all documents that relate to the development, approval and review of public opinion conducted under the Grant for non-point pollution public information and education initiative including without limitation research and

outreach that relates in any way to the website [whatsupstream.com](http://whatsupstream.com) including without limitation public opinion research that was conducted by or on behalf of Strategies 360.

7. Any and all documents that relate to the review, consideration and approval of the [whatsupstrem.com](http://whatsupstrem.com) website by EPA.
8. To the extent not included in response to Item 7, please provide any and all documents that relate in any way to consideration, evaluation or review of the [whatsupstream.com](http://whatsupstream.com) website by EPA general counsel including without limitation EPA Region 10 counsel.
9. Any and all documents including without limitation calendar items, emails, and agenda that relate to meetings where Dennis McLerran discussed the Grant for non-point pollution public information and education initiative including without limitation research and outreach that relates in any way to the website [whatsupstream.com](http://whatsupstream.com).
10. Any and all documents including without limitation calendar items, emails, and agenda that relate to a meeting with representatives of the Swinomish Indian Tribal Community on or about April 16, 2015, attended by Gina McCarthy and Dennis McLerran that involved any discussion of the Grant for non-point pollution public information and education initiative including without limitation research and outreach that relates in any way to the website [whatsupstream.com](http://whatsupstream.com).
11. Any and all documents that relate to communications to or from Dennis McLerran discussing matters related to the Grant for non-point pollution public information and education initiative including without limitation research and outreach that relates in any way to the website [whatsupstream.com](http://whatsupstream.com).
12. Any and all documents that relate to communications to or from Bill Dunbar discussing matters related to the Grant for non-point pollution public information and education initiative including without limitation research and outreach that relates in any way to the website [whatsupstream.com](http://whatsupstream.com).
13. Any and all documents that relate to communications to or from representatives, members or staff of the Northwest Indian Fisheries Commission and Swinomish Indian Tribal Community including without limitation Brian Cladoosby and Larry Wasserman discussing matters related to the Grant for non-point pollution public information and education initiative including without limitation research and outreach that relates in any way to the website [whatsupstream.com](http://whatsupstream.com).
14. Any and all documents that relate to communications to or from representatives or employees of Strategies 360 including without limitation Marty Loesch and Paul Queary discussing matters related to the Grant for non-point pollution public information and education initiative including without limitation research and outreach that relates in any way to the website [whatsupstream.com](http://whatsupstream.com).

15. Any and all documents from and after March 1, 2016, that relate to EPA suspending payments under the Grant for non-point pollution public information and education initiative including without limitation research and outreach that relates in any way to the website [whatsupstream.com](http://whatsupstream.com).
16. Any and all documents from and after March 1, 2016, that relate to EPA communications or responses to Congressional inquiries, including any and all documents EPA provided to the U.S. House Committee on Agriculture Chair K. Michael Conaway regarding his April 12, 2016 request for "all documents and communications, including emails, between and among employees of EPA, Northwest Indian Fisheries Commission, and the Swinomish Indian Tribe related to the "What's Upstream" campaign."
17. Any and all documents EPA has provided or will provide in response to FOIA requests by Kim Weerts dated April 5, 2016 (EPA-R10-2027-005410) and Todd Neely dated April 11, 2016 (EPA-R10-2016-005592).
18. Any and all documents including without limitation calendar items, emails, and agenda that relate to a meeting on or about April 25, 2016 between representatives of EPA and representatives of the Northwest Indian Fisheries Commission that relate in any way to the Grant for non-point pollution public information and education initiative including without limitation research and outreach that relates in any way to the website [whatsupstream.com](http://whatsupstream.com).

Save Family Farming requests a waiver or reduction of fees with this request pursuant to 40 CFR § 2.107(1)(5) and 40 C.F.R. § 2.107(1). Save Family Farming meets all of the factors EPA considers in a request to waive fees associated with a FOIA request. Save Family Farming is a non-profit organization representing farmers, and consisting of farmers, farm supporters, environmentalists and concerned citizens who want to save family farming. The organization helps the public understand that farmers care, that the vast majority of farmers are responsible stewards of the environment and our water. Farmers are highly regulated but many go far beyond the regulations to help restore streams and rivers, fish habitat and wildlife habitats.

The subject of the requested documents concerns the operations of the Government, i.e. the Environmental Protection Agency. The disclosure of the documents is likely to contribute to an understanding of government operations and the agency's activities around policy in the areas of water quality and agricultural operations. The contribution to understanding will be for members of Save Family Farming and the public generally through an ongoing current communications effort on the website [savefamilyfarming.org](http://savefamilyfarming.org), as the documents are received, they will be posted to the website. This is likely to be a significant contribution to public knowledge that heretofore only received misinformation through social media, transportation ads, billboards and other efforts funded by the EPA grant. Save Family Farming has no direct commercial interest in the requested information beyond the fact that influencing public opinion negatively with misinformation can lead to costly and unnecessary legislation that may have a substantial impact on water quality and land use compliance for

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the association's members. In this instance the public's interest in access to the requested information outweighs any commercial interest.

If possible, we would like to receive copies of the requested records in electronic format. If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release information. Thank you in advance for your assistance with this request. Please do not hesitate to contact me with any questions.

Sincerely,

TUPPER MACK WELLS PLLC

A handwritten signature in cursive script that reads "Cara Kadoshima Vallier". The signature is written in dark ink and is positioned over the printed name below it.

CARA KADOSHIMA VALLIER